



**ORIGINAL**  
**~~CONFIDENTIAL~~**

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<b>State Bar Court of California</b> <b>Hearing Department</b> <input checked="" type="checkbox"/> <b>Los Angeles</b> <input type="checkbox"/> <b>San Francisco</b> <b>PROGRAM FOR RESPONDENTS WITH SUBSTANCE ABUSE AND MENTAL HEALTH ISSUES</b>		
Counsel for the State Bar <b>OFFICE OF THE CHIEF TRIAL COUNSEL - ENFORCEMENT</b> <b>BROOKE A. SCHAFER</b> 1149 South Hill Street, 9 <sup>th</sup> Floor Los Angeles, CA 90015-2299 Telephone: (213) 765-1051 Bar # 194824	Case Number(s) 05-J-03765-RAP  <div style="text-align: center;"> <b>FILED</b>  <b>OCT 28 2009</b> <del>WOC</del>          STATE BAR COURT          CLERK'S OFFICE          LOS ANGELES       </div>	(for Court use)  <div style="text-align: center;"> <div style="border: 1px solid black; padding: 5px; transform: rotate(-5deg);"> <b>LODGED</b>  <b>OCT 17 2006</b> <del>WOC</del>          STATE BAR COURT          CLERK'S OFFICE          LOS ANGELES       </div> </div>
<input type="checkbox"/> Counsel for Respondent <input checked="" type="checkbox"/> In Pro Per  <b>MATTHEW A. BROMUND</b> 10845 Kings Road Ventura, California 93004 Telephone: (805) 654-2196  Bar # 220152	<div style="font-size: 2em; font-weight: bold;">PUBLIC MATTER</div>	
<input type="checkbox"/> Counsel for Respondent <input checked="" type="checkbox"/> In Pro Per  <b>MATTHEW A. BROMUND</b> 10845 Kings Road Ventura, California 93004 Telephone: (805) 654-2196  Bar # 220152		
In the Matter of <b>MATTHEW ALLAN BROMUND</b> Bar # 220152 A Member of the State Bar of California (Respondent)	Submitted to Program Judge  <div style="text-align: center;"> <b>STIPULATION RE FACTS AND CONCLUSIONS OF LAW</b> </div> <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

### A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted June 10, 2002  
(date)
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition (to be attached separately) are rejected or changed by the Supreme Court. However, if Respondent is not accepted into the Lawyer Assistance Program, this stipulation will be rejected and will not be binding on Respondent or the State Bar.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated, except for Probation Revocation Proceedings. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation and order consists of \_\_\_\_\_ pages.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts, are also included under "Conclusions of Law."

(Do not write above this line.)

- (6) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (7) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§ 6086.10 & 6140.7 and will pay timely any disciplinary costs imposed in this proceeding.

**B. Aggravating Circumstances [Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.**

- (1) ☐ **Prior Record of Discipline [see standard 1.2(f)]**
- (a) ☐ State Bar Court Case # of prior case \_\_\_\_\_
- (b) ☐ Date prior discipline effective \_\_\_\_\_
- (c) ☐ Rules of Professional Conduct/State Bar Action violations \_\_\_\_\_
- (d) ☐ Degree of prior discipline \_\_\_\_\_
- (e) ☐ If Respondent has two or more incidents of prior discipline, use space provided below or under "Prior Discipline" (above)
- (2) ☐ **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) ☐ **Trust violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) ☐ **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5) ☐ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) ☐ **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to the victims of his/her misconduct or the State Bar during disciplinary investigation or proceedings.
- (7) ☒ **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrong doing or demonstrates a pattern of misconduct.
- (8) ☐ **No aggravating circumstances are involved.**

**Additional aggravating circumstances:**

(Do not write above this line.)

**C. Mitigating Circumstances [standard 1.2(e)]. Facts supporting mitigating circumstances are required.**

- (1) ☐ **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) ☐ **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) ☒ **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation to the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4) ☒ **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) ☒ **Restitution:** Respondent paid \$ 200.00 on July 30, 2004 in restitution to Nestor Capote without the threat of force of disciplinary, civil or criminal proceedings.
- (6) ☐ **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) ☐ **Good Faith:** Respondent acted in good faith.
- (8) ☐ **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish were directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drugs or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9) ☐ **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) ☐ **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) ☒ **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) ☐ **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) ☐ **No mitigating circumstances** are involved.

**Additional mitigating circumstances:**

See attached.

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1           Conclusions of Law

2           – Respondent's culpability as determined in the disciplinary proceeding  
3 by the North Carolina State Bar, as described in the NC Decision, warrants the  
4 imposition of discipline in the State of California under the laws or rules in effect  
5 in California at the time the misconduct was committed. To wit, Respondent's  
6 misconduct constitutes at minimum four violations of Business and Professions  
7 Code section 6106 (moral turpitude).

8           – The proceedings in the North Carolina State Bar disciplinary hearing,  
9 as described in the NC Decision, provided Respondent with fundamental  
10 constitutional protections.

11           – The matters herein and as described in the NC Decision fall within the  
12 terms of Business and Professions Code, section 6049.1, due to the professional  
13 misconduct in another jurisdiction.

14   **III.    ADDITIONAL MITIGATING CIRCUMSTANCES**

15           Good Character: Respondent has provided six letters of reference  
16 attesting to his good character from a variety of references, both professional and  
17 personal.

18           Additional Restitution: Respondent attests that he had earned  
19 approximately \$5000.00 for the last month he worked for Mr. Capote and that he  
20 waived payment of it and assumed it would more than make up for the remaining  
21 restitution owed. Respondent made the remaining restitution of \$500.00 to Mr.  
22 Capote on the day of trial. Although not entitled to full mitigation under State  
23 Bar law because it was made on the day of trial, the parties stipulate that some  
24 mitigation should be given for making the remainder of restitution owed.

25   **IV.    RULE 133 NOTICE OF PENDING MATTERS**

26   The notice referred to on page 2 was provided in writing dated April 25, 2006.  
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1     **V.     EXHIBIT - THE NC DECISION**

2             A true and correct copy of the Findings of Fact, Conclusions of Law and  
3     Order of Discipline in case no. 05 DHC 16 (North Carolina State Bar Hearing  
4     Commission, Wake County) (referred to herein as the "NC Decision"), filed  
5     August 8, 2005, immediately follows as an exhibit.

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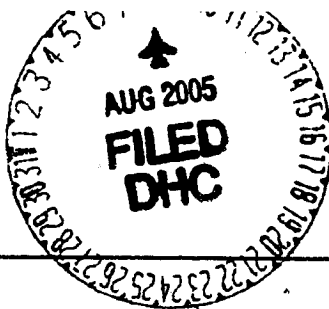
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WAKE COUNTY  
NORTH CAROLINA



BEFORE THE DISCIPLINARY  
HEARING COMMISSION OF  
THE NORTH CAROLINA STATE BAR  
05 DHC 16

THE NORTH CAROLINA STATE BAR )  
Plaintiff )

v. )

MATTHEW A. BROMUND, Attorney )  
Defendant )

FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER OF DISCIPLINE

This matter came on to be heard on June 30, 2005 before a hearing committee of the Disciplinary Hearing Commission composed of Carlyn G. Poole, Chair; M. Ann Reed and Johnny A. Freeman; with A. Root Edmonson representing the North Carolina State Bar and Matthew A. Bromund appearing *pro se*. Based upon the admissions in the Answer, the stipulations of fact in the Pre-Hearing Order and the evidence presented at the hearing, the hearing committee finds that the following facts have been established by clear, cogent and convincing evidence:

#### FINDINGS OF FACT

1. The plaintiff, the North Carolina State Bar, is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Chapter 84 of the General Statutes of North Carolina, and the Rules and Regulations of the North Carolina State Bar promulgated thereunder.
2. The defendant, Matthew A. Bromund ("Bromund"), was admitted to the North Carolina State Bar on August 21, 1999 and is, and was at all times referred to herein, an Attorney at Law licensed to practice in North Carolina, subject to the rules, regulations, and Rules of Professional Conduct of the North Carolina State Bar and the laws of the State of North Carolina.
3. During the times relevant to this complaint, Bromund actively engaged in the private practice of law in the State of North Carolina and was employed in a law office in the city of Greensboro, Guilford County, North Carolina.
4. In March 2004, Bromund accepted employment as a salaried associate in the law office of Nestor Capote ("Capote").

5. Pursuant to his employment arrangement with Capote, all fees that Bromund received from clients were the property of Capote and should have been deposited into one of Capote's law office accounts.
6. On or about June 17, 2002, Gary D. Thomas ("Thomas") retained Bromund to represent him in a matter.
7. Thomas made the check for his \$200 fee payable to Bromund rather than to Capote's law office.
8. Thomas paid Bromund his \$200 fee by check number 1121 dated June 17, 2004 made payable to Bromund.
9. On or before July 14, 2004, Bromund deposited the Thomas fee check number 1121 into his personal account at USAA Federal Savings Bank, account number 314074269.
10. Bromund appropriated the \$200 Thomas fee that was the property of Capote to his own use in violation of N.C. GEN. STAT. § 14-90.
11. When confronted by Capote about the Thomas fee matter on July 30, 2004, Bromund initially misrepresented to Capote that the Thomas check was a payment to his wife and that Thomas had mistakenly made the check payable to him.
12. That same day, Bromund admitted he took the Thomas fee and paid it back to Capote.
13. On or about June 15, 2004, Jorge Luis Jimenez ("Jimenez") retained Bromund to represent him in a domestic matter in High Point in Guilford County District Court.
14. Jimenez paid Bromund \$350 in cash as the attorney fee for the representation.
15. Bromund used a Capote law office receipt book to prepare receipt number 1051 for Jimenez in the amount of \$350. Bromund gave Jimenez the white copy of receipt number 1051.
16. Bromund destroyed the yellow copy of receipt number 1051 that was supposed to go in the Jimenez file and the pink copy of receipt number 1051 that was supposed to go to the law office bookkeeper.
17. Bromund then created a new receipt for the Jimenez fee, being receipt number 1052, in the amount of \$150. Bromund placed the yellow copy of this receipt in the Jimenez file and gave the pink copy of this receipt to the law office bookkeeper.
18. Bromund created receipt 1052 to conceal the true amount of the fee paid by Jimenez from Capote and his law office personnel.



19. Bromund appropriated \$200 of the Jimenez fee that was the property of Capote to his own use in violation of N.C. GEN. STAT. § 14-90.

20. On or about June 16, 2004, Francisco Cabrera ("Cabrera") retained Bromund to represent him in a domestic matter.

21. When he retained Bromund, Cabrera paid Bromund \$300 in cash as the attorney fee for the representation.

22. Bromund used a Capote law office receipt book to prepare receipt number 1100, the last receipt in the book, for Cabrera in the amount of \$300. Bromund gave Jimenez the white copy of receipt number 1100.

23. Bromund destroyed the yellow copy of receipt number 1100 that was supposed to go in the Cabrera file and the pink copy of receipt number 1100 that was supposed to go to the law office bookkeeper.

24. Bromund appropriated the \$300 Cabrera fee that was the property of Capote to his own use in violation of N.C. GEN. STAT. § 14-90.

BASED UPON the foregoing Findings of Fact, the hearing committee makes the following:

#### CONCLUSIONS OF LAW

1. All parties were properly before the hearing committee of the Disciplinary Hearing Commission and the hearing committee had jurisdiction over Bromund and the subject matter.

2. Bromund's conduct, as set out above, constitutes grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(a) & (b)(2) in that Bromund violated the Revised Rules of Professional Conduct as follows:

- (a) by appropriating the all or part of the fees paid by Thomas, Jimenez and Cabrera to his own use instead of remitting the fees to Capote, Bromund committed a criminal acts that reflect adversely on his honesty, trustworthiness, or fitness as a lawyer in violation of Revised Rule 8.4(b); and engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Revised Rule 8.4(c);
- (b) by misrepresenting to Capote that the Thomas check was a payment to his wife that was mistakenly written to him, Bromund engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Revised Rule 8.4(c);
- (c) by creating the fictitious receipt number 1052 to conceal the true amount of the fee paid by Jimenez from Capote and his law office personnel, Bromund

engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Revised Rule 8.4(c);

- (d) by destroying the office copies of the Cabrera receipts to conceal the receipt of the fee, Bromund engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Revised Rule 8.4(c).

BASED UPON the foregoing Findings of Fact and Conclusions of Law, the evidence presented at the hearing and the arguments of counsel, the hearing committee hereby makes the following:

#### FINDINGS OF FACT REGARDING DISCIPLINE

1. At the hearing, Bromund apologized to Capote, the State Bar, and to the hearing committee. Through these apologies, Bromund expressed remorse for his misconduct.
2. On July 30, 2004, the day that Capote confronted Bromund with his discovery of the Thomas fee, Bromund went home, got \$200 in cash, and returned it to Capote.
3. Bromund didn't tender anything further to Capote at that time because Bromund assumed that, by Capote not having to pay him any bonus for the last month of his employment, Bromund had made restitution for the remaining fees owed. However, Bromund's assumption didn't consider the other economic and professional losses his conduct caused Capote, including the refunds Capote had to make to Bromund's clients because Capote couldn't handle the caseload caused by Bromund's sudden departure.
4. Bromund's assumption that he didn't have to make further restitution to Capote shows that Bromund failed to fully appreciate the seriousness of his misconduct.
5. At the hearing, Bromund tendered a check to Capote for \$500 representing the amount of the Jimenez and Cabrera fees that he had taken from Capote.

#### CONCLUSIONS OF LAW REGARDING DISCIPLINE

1. Bromund's misconduct is aggravated by the following factors:
  - (a) dishonest or selfish motive;
  - (b) a pattern of misconduct; and
  - (c) multiple offenses.
2. Bromund's misconduct is mitigated by the following factors:
  - (a) absence of a prior disciplinary record;

- (b) a cooperative attitude toward the proceedings;
- (c) expressions of remorse through his apologies to Capote and others; and
- (d) an attempt to make restitution, although his attempt didn't fully reimburse Capote for the economic and professional damage caused.

3. The aggravating factors outweigh the mitigating factors.

4. An order calling for any discipline short of disbarment would not sufficiently protect the public for the following reasons:

(a) Theft is one of the most serious offenses that an attorney can commit, whether the theft is from a client or from a law firm. Such an offense demonstrates that the offending attorney is not trustworthy. Clients are entitled to have trustworthy attorneys. When an attorney violates that trust, it harms the public. No discipline short of disbarment can protect the public from an untrustworthy member of the legal profession.

(b) In addition to the public harm, an untrustworthy attorney harms the legal profession and the administration of justice. No discipline short of disbarment can maintain the reputation of the legal profession and instill the public's trust in the administration of justice.

(c) Entry of an order imposing discipline short of disbarment would fail to acknowledge the seriousness of the offenses that Bromund committed and would send the wrong message to attorneys and the public regarding the conduct expected of members of the Bar in this State.

(d) The protection of the public, the legal profession and the administration of justice requires that Bromund not be permitted to resume the practice of law until he demonstrates that he has reformed, and that permitting him to practice law will not be detrimental to the public or the integrity and standing of the legal profession or the administration of justice. Disbarred attorneys must show reformation, among other things, before they resume the practice of law, whereas no such showing of reformation is required of an attorney whose license is merely suspended for a term certain.

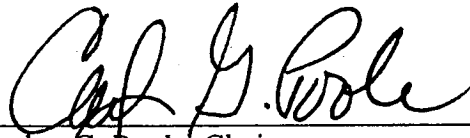
BASED UPON the foregoing Findings of Fact and Conclusions of Law Regarding Discipline and the arguments of counsel, the hearing committee hereby enters the following:

#### ORDER OF DISCIPLINE

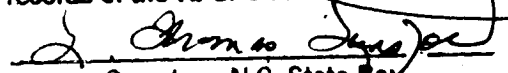
1. The Defendant, Matthew A. Bromund, is hereby DISBARRED.
2. Bromund shall surrender his license and membership card to the Secretary within 30 days of the effective date of this order.

3. Bromund shall comply with the requirements of 27 NCAC 1B, §.0124.
4. The costs of this proceeding are taxed to Bromund and shall be paid as assessed by the Secretary.

Signed with the Chair with the consent of the other members of the hearing committee  
this the 8 day of August 2005.

  
\_\_\_\_\_  
Carlyn G. Poole, Chair  
Hearing Committee

The foregoing 6 pages are  
true and accurate copies of the official  
records of the N. C. State Bar.

  
\_\_\_\_\_  
Secretary, N.C. State Bar

(Do not write above this line.)

In the Matter of  MATTHEW ALLAN BROMUND Member #220152	Case number(s):  05-J-03765-RAP
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### SIGNATURE OF THE PARTIES

By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Facts and Conclusions of Law.

Respondent enters into this stipulation as a condition of his/her participation in the Program. Respondent understands that he/she must abide by all terms and conditions of Respondent's Program Contract.

If the Respondent is not accepted into the Program or does not sign the Program contract, this Stipulation will be rejected and will not be binding on Respondent or the State Bar.

If the Respondent is accepted into the Program, upon Respondent's successful completion of or termination from the Program, this Stipulation will be filed and the specified level of discipline for successful completion of or termination from the Program as set forth in the State Bar Court's Statement Re: Discipline shall be imposed or recommended to the Supreme Court.

Date April 30, 2006 Respondent's signature Matthew Bromund MATTHEW A. BROMUND  
Print name

Date \_\_\_\_\_ Respondent's Counsel's signature \_\_\_\_\_ Print name \_\_\_\_\_

Date May 2, 2006 Deputy Trial Counsel's signature Brooke A. Schafer BROOKE A. SCHAFER  
Print name

(Do not write above this line.)

In the Matter of  MATTHEW ALLAN BROMUND Member #220152	Case number(s):  05-J-03765-RAP
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## ORDER

Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- ☒ The stipulation as to facts and conclusions of law is APPROVED.
- ☐ The stipulation as to facts and conclusions of law is APPROVED AS MODIFIED as set forth below.
- ☐ All court dates in the Hearing Department are vacated.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation; or 3) Respondent is not accepted for participation in the Program or does not sign the Program Contract. (See rule 135(b) and 802(b), Rules of Procedure.)

10-17-06  
Date

  
\_\_\_\_\_  
Judge of the State Bar Court

## **CERTIFICATE OF SERVICE**

**[Rule 62(b), Rules Proc.; Code Civ. Proc., § 1013a(4)]**

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on October 17, 2006, I deposited a true copy of the following document(s):

**CONFIDENTIAL STATEMENT OF ALTERNATIVE DISPOSITIONS AND ORDERS; STIPULATION RE FACTS AND CONCLUSIONS OF LAW; CONTRACT AND WAIVER FOR PARTICIPATION IN THE STATE BAR COURT'S ALTERNATIVE DISCIPLINE PROGRAM**

**[X]** by personally delivering such documents to the following individuals at 1149 S. Hill Street, 5<sup>TH</sup> Fl., Los Angeles, CA 90015:

**BROOKE SCHAFER, ESQ**

**MATTHEW ALLAN BROMUND**

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **October 17, 2006.**



**Angela Owens-Carpenter**

Case Administrator

State Bar Court